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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/934,860	08/22/2001	Michael R. McClain	002A.0032.U1(US)	9128

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EXAMINER

TORRES, ALICIA M

ART UNIT PAPER NUMBER

3671

DATE MAILED: 08/20/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/934,860

Applicant(s)

MCCLAIN, MICHAEL R.

Examiner

Alicia M Torres

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☐ Claim(s) \_\_\_\_ is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

***Specification***

The disclosure is objected to because of the following informalities: “provided” should be “provide” in line 3, page 9.

Appropriate correction is required.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-9 and 19-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Seegert.

In regards to claim 1, Seegert discloses a lawn mower (12) having a frame, a motor (22) connected to the frame, a cutting blade (see column 3, lines 39-41) connected to the motor (22), a deck (14) located above the cutting blade and vertically movably mounted to the frame (see column 4, lines 29-30), a draft rod (34) connected between the deck (14) and a portion of the frame (see column 3, lines 45-46), to limit upward vertical movement of the deck (14) relative to the frame to a predetermined upper stop location.

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In regards to claims 2-4, Seegert discloses that the mounting portion of the frame comprises an axle assembly (48, see column 3, lines 54-60) of the lawnmower (12) wherein the axle assembly (48) comprises a hole (52) and a portion (38) of the draft rod (34) movably located and longitudinally slidable in the hole (52, see column 4, lines 13-17), as per claims 3 and 4.

In regards to claims 5-7, Seegert discloses a draft rod (34) comprising an enlarged section, which is larger than the hole (52) in the axle assembly (48) and comprises a bent portion of the draft rod (34), as per claims 6 and 7, located between the axle assembly (48) and the deck (14, see figure 3).

In regards to claims 8 and 9, Seegert discloses a deck (14) comprising a bracket (30) on an exterior side of the deck (14) and extending beneath the draft rod (34) which limits downward rotation of the draft rod (34) relative to the deck (14, see figure 2), as per claim 9, and an end (36) of the draft rod (34) pivotably connected to the bracket (30).

In regards to claims 19 and 20, Seegert discloses a lawn mower (12) comprising a frame, a motor (22) connected to the frame, a cutting blade (see column 3, lines 39-41) connected to the motor (22), a deck (14) vertically movably connected to the frame, the deck (14) being located over the cutting blade, a vertical movement limiting bar (34) connected between the deck (14) and a portion of the frame, the limiting bar (34) being pivotably connected to a mounting section of the deck (14) and longitudinally slidingly connected through a hole (52) in the portion of the frame, wherein the limiting bar (34) comprises a stop surface formed by a bent section of the bar (34, see figure 3), as per claim 20, located between the deck (14) and the portion of the frame for limiting longitudinal movement of the bar (34) through the hole (52) in the portion of the frame.

*Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 10-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Seegert in view of Streicher.

In regards to claim 10, Seegert discloses a lawn mower (12) comprising a frame, a motor (22) connected to the frame, a cutting blade (see column 3, lines 39-41) connected to the motor, a deck (14) vertically movably connected to the frame, the deck (14) being located over the cutting blade, a vertical movement limiting bar (34) connected between the deck (14) and a portion of the frame, the limiting bar (34) being pivotably connected to a mounting section of the deck (14) and longitudinally slidingly connected to the portion of the frame. However, Seegert fails to disclose that the mounting section of the deck has a limiter for limiting downward rotation of the limiting bar. Streicher discloses a similar device comprising a mounting section of a deck (12) that has a limiter (70) for limiting downward rotation of a limiting bar (80, see column 3, lines 61-65).

In regards to claims 11-13, Seegert discloses that the mounting portion of the frame comprises an axle assembly (48, see column 3, lines 54-60) of the lawnmower (12) wherein the axle assembly (48) comprises a hole (52) and a portion (38) of the limiting bar (34) movably

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located and longitudinally slidable in the hole (52, see column 4, lines 13-17), as per claims 12 and 13.

In regards to claims 14-16, Seegert discloses a limiting bar (34) comprising an enlarged section, which is larger than the hole (52) in the axle assembly (48) and comprises a bent portion of the limiting bar (34), as per claims 15 and 16, located between the axle assembly (48) and the deck (14, see figure 3).

In regards to claims 17 and 18, Seegert discloses a deck (14) comprising a bracket (30) on an exterior side of the deck (14) and extending beneath the limiting bar (34) which limits downward rotation of the limiting bar (34) relative to the deck (14, see figure 2), as per claim 9, and an end (36) of the limiting bar (34) pivotably connected to the bracket (30).

### *Conclusion*

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Hutchison, Burdsall et al, and Kurohara et al have been cited as of reference.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alicia Torres whose telephone number is 703-305-6953. The examiner can normally be reached on Monday, Tuesday, Thursday, and Friday from 7:00 a.m. – 4:30 p.m.

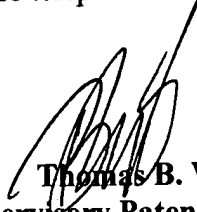
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas B. Will, can be reached at 703-308-3870.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the group receptionist whose telephone number is 703-305-1113. The fax number for this Group is 703-305-3597.



**Thomas B. Will**  
**Supervisory Patent Examiner**  
**Group Art Unit 3671**

AMT  
August 15, 2002